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7

8 UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA
9

10 KENNETH W. COCKING AND GAIL L.
11 COCKING, individually and as personal
12 representatives of the Estate of Kenneth J.
Cocking,

13 Plaintiffs,

14 v.

15 OFFICER J. REED, Badge #J-27, LAKE
16 COUNTY SHERIFF'S DEPARTMENT AND
LAKE COUNTY, and DOES 1 through 100,
inclusive,

17 Defendants.
18

Docket No. C 05 00004 JSW

STIPULATED PROTECTIVE ORDER

19 PROTECTIVE ORDER

20 Disclosure and discovery activity in this action are likely to involve production of confidential,
21 proprietary, or private information for which special protection from public disclosure and from use
22 for any purpose other than prosecuting this litigation would be warranted. Accordingly, the parties
23 hereby stipulate to and petition the court to enter the following Stipulated Protective Order.

24 The parties acknowledge that this Order does not confer blanket protections on all disclosures
25 or responses to discovery and that the protection it affords extends only to the limited information or
26 items that are entitled under the applicable legal principles to treatment as confidential. The parties
27 further acknowledge, as set forth in Section 10, below, that this Stipulated Protective Order creates
28 no entitlement to file confidential information under seal; Civil Local Rule 79-5 sets forth the

1 procedures that must be followed and reflects the standards that will be applied when a party seeks
2 permission from the court to file material under seal.

3 The parties represent they have reviewed and will maintain a copy of the United States District
4 Court, Northern District of California's model protective order form entitled "Stipulated Protective
5 Order" and posted to the Court's official website as "StipulatedProtectiveOrder-1-03.pdf," and agree
6 to be bound by the terms, conditions and provisions therein, excluding sections 7.3(b) and 7.4. The
7 parties here incorporate the substance and provisions of the model protective order within this
8 agreement and will abide by the provisions therein. The parties waive requirements for execution of
9 the "Agreement to Be Bound by Protective Order" where referenced in the model protective order.

10 This agreement governs the disclosure and utilization of the following categories of documents
11 to be produced by Defendant County of Lake:

12 1. Documents (not otherwise privileged or protected) relating to Defendant Jeffrey Reed's
13 personnel file while employed with the County of Lake, including but not limited to: evaluations,
14 separation report, memoranda, correspondence, disciplinary record (if any), miscellaneous Human
15 Resource documents;

16 2. Investigation report dated February 10, 2004 and interview memoranda prepared by
17 District Attorney Investigator John Flynn;

18 3. Lake County District Attorney's Final Report dated March 17, 2004;

19 4. Lake County Sheriff's Department Jail and booking records, including: Jail Information
20 Report, Pre-Booking Medical Information, financial and personal property inventory records, log
21 listing report for 12/27/03 (limited to entries re. decedent Cocking), Officer On/Off Duty Log for
22 12/27/03, Observation Log, Booking Form, Sobering Cell Inmate Assessment Form, law enforcement
23 index screening records and fingerprint card.

24 5. Narrative report of Jeffrey Reed dated 12/28/03;

25 6. Photographs as may be produced regarding death scene or autopsy;

26 7. CHP report Nos. 03-1005 and 03-12-0067;

27 8. Toxicology or forensic pathology reports;

28 9. Coroner's Report and supplement, Case No. 10262; and

1 10. Necropsy report, Case No. 338-2003

2 The parties expressly understand and agree that some documents which may fall within the
3 above-described categories may be otherwise privileged or protected from disclosure and that
4 Defendants will provide a detailed privilege log setting forth identification of the document and the
5 privileges which apply. Where applicable, and where only portions of a documents are subject to
6 privilege or other protections, the privileged/protected sections will be redacted, and the redactions
7 will be detailed in the privilege log.

8 **ACCORDINGLY:**

9 Defendants will produce to plaintiffs the non-privileged or otherwise protected documents as
10 described above, pursuant to the terms, conditions and provisions detailed in the United States
11 District Court, Northern District of California's "Stipulated Protective Order," which is posted to the
12 Court's website under Civil Forms and identified as an Adobe Acrobat document entitled
13 "StipulatedProtectiveOrder-1-03.pdf," excluding sections 7.3(b) and 7.4, and further agree to waive
14 requirements for execution of the "Agreement to Be Bound by Protective Order" where referenced in
15 the model protective order.

16 Dated: July 13, 2005

KELLY JACKSON CHRISTIANSON & SMITH, LLP

17
18 By /s/
Clay J. Christianson, Attorneys for Defendants

19
20 LAW OFFICES OF BARON J. DREXEL

21
22 Dated: July 15, 2005

By /s/
Baron J. Drexel, Attorneys for Plaintiffs

23
24 **SIGNATURE ATTESTATION**

25 **I attest that I have on file all holograph signatures for any signatures indicated by a conformed**
26 **signature (/s/) within this e-filed document.**

27 /s/
Clay J. Christianson
28 Attorneys for Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 15, 2005

/s Jeffrey S. White
Jeffrey S. White
United States District Judge